

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

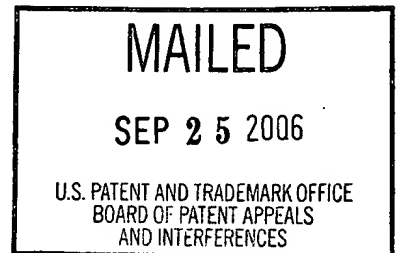
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JESSE PERLA, DALE BAIK and KARTIK SHAH

Appeal No. 2006-2106
Application No. 09/837,632¹

ON BRIEF



Before HAIRSTON, BARRY, and SAADAT , Administrative Patent Judges.
SAADAT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claim 1, which is the only claims pending in this application.

We affirm.

¹ Application for patent filed April 19, 2001, which claims the foreign filing priority benefit under 35 U.S.C. § 119 of the Canadian Applications No. CANADA 2,297,596, CANADA 2,297,597 and CANADA 2,297,711, all filed January 31, 2000. Additionally, According to Appellants, this Application is a continuation of PCT Application No. PCT/CA01/00149, filed January 31, 2001, and a continuation-in-part of Application No. 09/471,135, filed December 23, 1999, now abandoned.

BACKGROUND

Appellants' invention is directed to a computer-based method for handling errors in World Wide Web based applications in a multilingual environment. According to Appellants, separating data from a style sheet allows for retrieval of an error text and application of it to a style sheet for displaying a specific error form to the user. An understanding of the invention can be derived from a reading of claim 1, which is reproduced as follows:

1. A method for generating error messages in a web based application, said method comprising the steps of:

(a) searching said application for a predetermined error number;

(b) retrieving an error message corresponding to said error number;

(c) applying said error message to a style sheet in an error form; and

(d) displaying said error form on a requesting device.

The Examiner relies on the following references:

Hind et al. (Hind)	6,585,778	Jul. 1, 2003 (filed Aug. 30, 1999)
Miksovsky et al. (Miksovsky)	6,526,529	Feb. 25, 2003 (filed Jun. 29, 1999)

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Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Miksovsky and Hind.²

Rather than reiterate the opposing arguments, reference is made to the brief (filed October 12, 2005) and the answer (mailed February 9, 2006) for the respective positions of Appellants and the Examiner. Only those arguments actually made by Appellants have been considered in this decision. Arguments which Appellants could have made but chose not to make in the brief have not been considered (37 CFR § 41.37(c)(1)(vii)).

OPINION

In rejecting the claims, the Examiner relies on Miksovsky for teaching the claimed steps of searching for a predetermined error number, retrieving a message corresponding to that number and applying the error message to a text based format and on Hind for disclosing a method for applying an input message document to a style sheet to create a form for display (answer, page 4). Based on the teachings of these two prior art references, the

² The rejection of claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Praitis et al. (U.S. Patent No. 6,594,697) and Bridgmen et al. (U.S. Patent No. 6,523,062) has been withdrawn by the Examiner in the answer (page 3).

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Examiner concludes that the skilled artisan would have found it obvious to modify the error message of Miksovsky with the style sheet format of Hind in order to accommodate different client device display capabilities (answer, pages 4-5).

Appellants point out that Hind does not teach or suggest applying an error message to a style sheet while Miksovsky lacks any motivation for modifying its error message (brief, page 6). While repeating the portions of Hind's abstract and col. 7, relied on by the examiner, Appellants acknowledge the teachings of Hind with respect to style sheets but further argue that no error message is applied to a style sheet in Hind (brief, pages 6-8).

In response to Appellants' arguments, the Examiner asserts that Hind discloses a method of applying "a message to a style sheet" (abstract) which provides for properly displaying the message on a variety of client devices (answer, page 5). However, the Examiner finds that Hind identifies the message applied to a style sheet as "any message," which includes an "error message" (id.).

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As a general proposition, in rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. See In re Rijckaert, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993) and In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). A prima facie case of obviousness is established when the teachings of the prior art itself would appear to have suggested the claimed subject matter to one of ordinary skill in the art. See In re Bell, 991 F.2d 781, 783, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993); In re Fritch, 972 F.2d 1260, 1266 n.14, 23 USPQ2d 1780, 1783-84 n.14 (Fed. Cir. 1992); Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir. 1988); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 293, 227 USPQ 657, 664 (Fed. Cir. 1985). In considering the question of the obviousness of the claimed invention in view of the prior art relied upon, the Examiner is expected to make the factual determination set forth in Graham v. John Deere Co., 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), and to provide a reason why one having ordinary skill in the pertinent art would have been

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led to modify the prior art or to combine prior art references to arrive at the claimed invention. See also In re Rouffet, 149 F.3d 1350, 1355, 47 USPQ2d 1453, 1456 (Fed. Cir. 1998). Such evidence is required in order to establish a prima facie case. In re Piasecki, 745 F.2d 1468, 1471-72, 223 USPQ 785, 787-88 (Fed. Cir. 1984); In re Cofer, 354 F.2d 664, 668, 148 USPQ 268, 271-72 (CCPA 1966). However, the motivation, suggestion or teaching may come explicitly from statements in the prior art, the knowledge of one of ordinary skill in the art, or, in some cases the nature of the problem to be solved. See In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

A review of Miksovsky confirms that the reference relates to a dynamic error messaging system (abstract) wherein updated error messages corresponding to a predetermined or numbered error is outputted (col. 5, lines 56-67). According to Miksovsky, an updated error message for that error is searched (col. 6, lines 6-11) and formatted prior to displaying to the user (col. 6, lines 64-67).

Hind, on the other hand relates to tailoring document content for its target context using a style sheet that provides a transformation scheme suitable for that context (col. 7, lines 51-64). As pointed out by the Examiner (answer, page 5), Hind further describes style sheets that may extract a subset of the information from a document or transform the document such that it can be delivered to a particular device (col. 8, lines 37-51). Hind also explains that the term "document" may refer to diverse types of information (col. 8, lines 51-57).

Based on our findings above, and contrary to Appellants' argument (brief, page 6) related to Hind's lack of suggestion for applying an "error message" to a style sheet, we find that Hind provides sufficient suggestion for applying any type of information, such as error messages, to the style sheet. In fact, in this case, the reason for the modification stems not only from the benefits of applying different types of information to a style sheet in Hind, but also from Miksovsky's recognition of the need for updated error messages. In view of the analysis above, we find the Examiner's reliance on the combination of Miksovsky and Hind to be reasonable and sufficient to support a prima facie case of obviousness. Accordingly, the 35 U.S.C. § 103 rejection of claim 1 over Miksovsky and Hind is sustained.

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CONCLUSION


In view of the foregoing, the decision of the Examiner rejecting claim 1 under 35 U.S.C. § 103 is affirmed.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

AFFIRMED


KENNETH W. HAIRSTON
Administrative Patent Judge


LANCE LEONARD BARRY
Administrative Patent Judge

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MAHSHID D. SAADAT
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